

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

William Soler Justice, *
*
Plaintiff, *
v. * Civil No. 1:20-cv-00517-PB
*
Christopher T. Sununu, et al., *
*
Defendants. *

**STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO SUBSTITUTE
DEFENDANT MARK KIMBALL WITH DEFENDANT PAIGE KIMBALL**

Defendants Commissioner Helen Hanks, Paula Mattis, Deborah Robinson, Carlene Ferrier, Frank H. Logan, Joshua N. Deblois, Mark Kimball, and Randal G. Carver (collectively, State Defendants), by and through their counsel, the New Hampshire Office the Attorney General, hereby respond to Plaintiff's motions regarding substituting defendants as follows:

1. Plaintiff filed two motions with this court – the first is a motion for Amendment for Substitution of FNU Kimball for Defendant Mark Kimball (ECF 91), and the second is a Motion for Correction of Defendant Kimball Name in Lawsuit (ECF 92).

2. State Defendants consent to dismissing Mark Kimball's name from this case and asks the court to do so with prejudice. Mark Kimball has never worked in the SPU where the allegations took place, and it appears that he was mistakenly added as a defendant in this matter.

3. State Defendants take no position on whether to add Paige Kimball as a defendant. However, it should be clear that counsel for State Defendants does not currently represent Paige Kimball or speak on her behalf, as she is not currently a party to this case and has

not been served. The State Defendants are therefore not waiving any objections she may have to being added as a party to this case.

WHEREFORE, State Defendants respectfully request that this Honorable Court:

- A. Dismiss this matter as to Mark Kimball with prejudice; and
- B. If Paige Kimball is added as a defendant, issue instructions for service; and
- C. Grant any further relief as justice so requires.

Respectfully submitted,

Paula Mattis, Deborah Robinson, Carlene Ferrier,
Frank H. Logan, Joshua N. Deblois, Mark Kimball,
and Randal G. Carver

By their attorney,

THE OFFICE OF THE ATTORNEY GENERAL

Dated: December 21, 2023

/s/ Catherine Denny
Catherine A. Denny, Bar No. 275344
Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ECF to counsel of record and was mailed to Plaintiff at 51 Storrs St., #310, Concord, NH 03301 on this same date.

Dated: December 21, 2023

/s/ Catherine Denny
Catherine A. Denny